

PATENT
Docket No. 437472000200

11/08
LJ

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on November 1, 2002.

Tami M Procopio
Tami M. Procopio

RECEIVED

NOV 08 2002

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Bryan HIROMOTO

Serial No.: 09/826,559

Filing Date: 04 April 2001

For: IMPROVED PESTICIDE
MICROEMULSION AND
DISPERSANT/PENETRANT
FORMULATIONS

Examiner: M. V. Meller

Group Art Unit: 1654

AMENDMENT UNDER 37 C.F.R. § 1.111

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to an Office action herein mailed 9 October 2002, time for response to which was set to expire 9 November 2002. An election of species was required.

Applicants previously elected to prosecute the invention of Group I, claims 1-18, 30, 32 and 49-51. The election was made with traverse; however, in order to expedite prosecution, applicants will cancel below the remaining claims to non-elected inventions.

The Office requires an election of species to the "many different anionic surfactant blends, microemulsion surfactant blends, and C₁₁ alcohol with polyalkoxylation ratio of 7:1." Applicants do not entirely understand the basis for this requirement for an election of species since there are no claims to any subspecies of the categories mentioned by the Office. Nevertheless, in order to comply with this requirement, applicants elect the species exemplified in Table 1 on page 20 of the specification. Thus, the C₁₁ alcohol with polyalkoxylation ratio of

7:1 is Tomadol 1-7 in combination with Tomadol 91-2.5. The microemulsion formulation is
H306A; and the antionic surfactant is Atsurf 1910.

Thus, a specific composition in terms of the species for which election is required has been designated.



1654

Please type a plus sign (+) inside this box →

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 09/826,559

Filing Date 4 April 2001

First Named Inventor Bryan HIROMOTO

Group Art Unit 1654

RECEIVED

NOV 08 2002

Examiner Name M. V. Meller

TECH CENTER 1600/2000

Total Number Of Pages In This Submission

5

Attorney Docket No. 437472000200

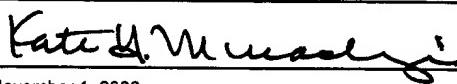
ENCLOSURES (check all that apply)

- | | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers
(for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declarations | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> Return Postcard |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

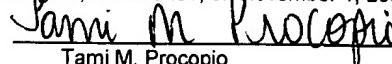
Firm
or
Individual Name Kate H. Murashige (Reg. No. 29,959)
Morrison & Foerster LLP
3811 Valley Centre Drive, Suite 500
San Diego, CA 92130-2332

Signature 

Date November 1, 2002

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on November 1, 2002.


Tami M. Procopio

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.